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C O N F I D E N T I A L SECTION 01 OF 03 HO CHI MINH CITY 000480

SIPDIS

STATE FOR EAP/MLS

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SUBJECT: UPDATE ON ARREST OF CORPORATE AND HUMAN RIGHTS LAWYER LE CONG DINH

REF: HCMC 473 (NOTAL)

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CLASSIFIED BY: Kenneth J. Fairfax, Consul General, U.S.
Consulate General Ho Chi Minh City, Vietnam, Department of
State.
REASON: 1.4 (b), (d)

11. (C) SUMMARY: Rumors and allegations continue to swirl four days after the arrest of leading Vietnamese lawyer Le Cong Dinh, one of Vietnam's most successful corporate attorneys as well as staunch defender of human rights who has volunteered to defend many persons accused of political crimes. Most residents of HCMC, and especially the legal community, spent Monday discussing the arrest around the water cooler at work or in coffee houses around town. Many assert that that Vietnam's highest-level officials, Prime Minister and President, would have to have signed off on Dinh's arrest and that the Prime Minister himself led the charge to arrest Dinh. Dinh's colleagues in the HCMC Bar Association continue to stand behind him and vow to support him during the ensuing investigation and trial. Meanwhile, outspoken democracy advocate Le Quoc Quan told the Embassy that he and Dinh worked together on projects ranging from a new political party to a new constitution--activities included in the MPS list of charges against Dinh. Both Quan and the Vice President of the HCMC Bar Association expressed his hope that the USG and others would keep pressure on the GVN. END SUMMARY.

Topic Number One in HCMC

12. (C) In a meeting with the CG on June 16, attorney Bui Quang Nghiem, the Vice President of the Ho Chi Minh City Bar Association and a long-time colleague of Dinh, at first danced around questions surrounding Dinh's arrest due to their sensitive nature, but later opened up and plead for the USG and others in the international community to continue to press Dinh's case. Nghiem started the discussion of Dinh's case by noting that his arrest not only dominates discussion at law firms across Vietnam but is topic number one at coffee shops across the city. Nghiem said that "Dinh is very well known and 60% of all conversation in coffee shops across the city is about Dinh's arrest." Nghiem added that while a few people are asking why he did the things the MPS have charged him with, the vast majority instead wonder why the GVN has chosen to persecute him. (Note: CG visited three large coffee shops primarily popular among Vietnamese business persons and can confirm that Nghiem's assessment seemed to be on the mark. End Note.) Later in the conversation, Nghiem expanded a bit, explaining that for many people the real question is not whether or not Dinh criticized

the government or advocated multi-party democracy for Vietnam. Instead, they wonder what personal vendetta led to the arrest since others can criticize the government while avoid arrest. Nghiem added his own view that even though Dinh is very well known and well liked, he got into trouble because is too young to have the stature necessary in Vietnamese society to criticize political leaders with impunity.

13. (C) While claiming that he didn't know the truth surrounding the specific accusations against Dinh (e.g. that he had attempted to establish an organization that wanted to overthrow the government), Nghiem stated that the HCMC legal community would continue to support Dinh and possibly represent him at his future trial. Nghiem described Dinh as immensely popular among HCMC lawyers and asserted that he is the best litigator in Vietnam. Nghiem added that Dinh would probably represent himself, but that if he requested assistance many in the legal community stood ready to help. Nghiem stated that although HCMC Bar Association President Trung was in Hanoi in his capacity as a member of the National Assembly he too was closely following Dinh's case and remained a loyal friend of Dinh. Nghiem praised the Department's statement on Dinh and asked that we continue to do whatever possible to keep Dinh's case before the international community.

PM Involvement in Arrest?

14. (C) Several blogs have claimed that the Ministry of Public Security asked the Politburo for permission to arrest Dinh and attorney Le Tran Luat last December, citing their writings critical of the government and representation of political dissidents in court. Official government press reports have confirmed that in December, an evaluation committee under the Ministry of Information and Communication completed a review of Dinh's online postings and recommended he be prosecuted under Article 88. Reportedly, the Politburo evaluated the accusations and concluded that there wasn't enough information to warrant

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Dinh's arrest at that time. Rather than dismissing the case, however, they sent the request back to MPS to strengthen its investigation. In the MPS' eyes, Dinh's travel to Thailand with Tran Huynh Duy Thuc in March to meet with Vietnamese American Nguyen Sy Binh supplied the "smoking gun" establishing links to overseas groups "attempting to overthrow the government" that they were looking for. HCMC Bar Association Vice President Nghiem - who is also a Communist Party Member - agreed that both the President and the Prime Minister would have to sign off on such a high-profile arrest. MPS would never be able to act alone in such a case, Nghiem asserted.

15. (C) Other contacts and bloggers allege that PM Dung was directly behind Dinh's arrest. They point to Dinh's close connection with recent arrestee Tran Huynh Duy Thuc and his travel with him to Thailand. Thuc oversaw a blog named "Change We Need" that reportedly angered the PM for its extensive posts on the personal life of the Prime Minister and his family -- including his daughter's recent marriage to an American citizen. The blogosphere version of events is that PM may have seen Dinh as a possible source of the reporting or, at a minimum, the MPS' ability to link Dinh with Thuc won the PM over. Dinh's recent online editorials criticizing the government's handling of territorial disputes with China and the bauxite mining in the Central Highlands, which also has taken on a decidedly anti-China tint, definitely did not help his case with central officials in Hanoi. (NOTE: PM Dung has a long history of working for the MPS before becoming Governor of the Central Bank and later Prime Minister. END NOTE.)

MPS Contact Consulate Staff About Arrest

16. (C) MPS officials also contacted a member of the Political Economic Section's local staff at home under the pretext of discussing a recent trip to the Delta but spent the entire conversation asking questions about the arrest of Dinh and USG perceptions of his arrest. The police officer argued that Dinh

had published many slanderous articles on the BBC's Vietnamese website and asked the local staff if she had read these editorials. The police officer also stated that Dinh had been "used" by overseas elements to attempt to overthrow the government.

Le Quoc Quan Weighs In

17. (C) Embassy PolCouns met with activist Le Quoc Quan at his request to discuss the arrest of Le Cong Dinh. Quan said that, while Dinh may have appeared more "mainstream" thanks to his work on corporate law, the two of them shared the same goal of promoting democracy in Vietnam and had worked closely together towards that goal - together with others both inside and outside Vietnam. Quan said that the accusation that Dinh had drafted a new constitution for Vietnam was accurate, and that they had worked together to write it. He also said they had been working together on the establishment of a new political party, perhaps to be called the Vietnam Labor Party but the name was not final.

Quan is considering making an announcement of the new party's formation, with the expectation that doing so would get him thrown in jail. He is considering whether doing this or continuing his current work would be more effective in advancing their cause. He appreciated the Department statement on Dinh's case and urged the United States to continue to raise the matter at a high level but to do so carefully to avoid strengthening the hand of those in the Party and government who would like to see Vietnam's relations with the U.S. weakened (and relations with China correspondingly strengthened) as a result. He acknowledged that even with a high level of international pressure Dinh is likely to remain in prison for at least a year - the attention to Dinh's case could make the difference between that and his remaining in jail for several more years.

Comment

18. (C) Le Quoc Quan's statements that he and Dinh were indeed involved in many of the activities listed in the MPS' charges against Dinh does not change the fundamental fact that all of the charges amount to the criminalization of what we -- and most of the world -- consider protected free speech. Particularly if the Prime Minister was in fact directly behind Dinh's arrest due to pique over criticism leveled against his family and business dealings, Dinh's conviction seems assured. Continued pressure from the Department, Embassy and Consulate, as well as others in the international community, however could impact the length of Dinh's sentence and whether the government attempts to try him under Article 79 for attempting to overthrow the government -- which carries a life sentence or the death penalty -- as opposed to Article 88 which has a minimum sentence of 3 years

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imprisonment. END COMMENT.
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